

ITEM	7
MANAGER'S REPORT NO.	66
COUNCIL MEETING	93/11/08

TO: CITY MANAGER 1993 NOVEMBER 03

FROM: MEDICAL HEALTH OFFICER

SUBJECT: MANAGEMENT OF DECOMMISSIONED P.C.B. CONTAINING WASTES

PURPOSE: TO INFORM COUNCIL ON THE MANAGEMENT OF DECOMMISSIONED P.C.B. CONTAINING WASTES WITH SPECIFIC REFERENCE TO:

1. JURISDICTIONAL ISSUES;
2. PROVINCIAL GOVERNMENT'S TIMEFRAME FOR DEVELOPING AN APPROVED DISPOSAL FACILITY;
3. SHORT TERM STORAGE AND ALTERNATE OPTIONS.

RECOMMENDATION:

1. THAT this report be received for information purposes.

REPORT

1.0 INTRODUCTION

At the regular Council Meeting held on 1993 September 20, Council received a report from the Medical Health Officer regarding short term storage of St. Paul's Hospital's decommissioned P.C.B. light ballasts on B.C. Hydro's approved facility at 3759 East 1st. Avenue in Burnaby (Item No. 7, City Manager's Report No. 55).

Arising from the discussion, Council also adopted a motion requesting that staff investigate the jurisdictional issues relating to the management of decommissioned P.C.B. containing wastes. In addition, staff were to report on the Provincial Government's timeframe for developing an approved disposal facility in B.C. and on short term storage of P.C.B. and alternate options.

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2.0 JURISDICTION IN THE MANAGEMENT OF DECOMMISSIONED P.C.B.
CONTAINING WASTE

In B.C., decommissioned P.C.B. containing waste is regulated under the B.C. Waste Management Act, Special Waste Regulation by the B.C. Ministry of Environment, Lands and Parks (BCMOELP). Specifically, Section 17.1 of the Act stipulates additional requirements for "short term" storage of P.C.B. waste. "Short term" storage is defined to mean storage of special waste for a time period exceeding 336 hours or 14 days, at the end of which time the special waste is removed for storage, treatment or disposal elsewhere. In contrast, "long term" storage is defined to mean the permanent holding of special waste in an above ground indoor facility.

According to the City Solicitor, it is likely that Council would have the power to regulate P.C.B. storage under Section 692 of the Municipal Act.

However, P.C.B. storage is already regulated by the Province under the B.C. Waste Management Act and regulations. In particular, Section 20 of that Act provides that a municipal bylaw that conflicts with the Act, the regulations, or a permit, approval, order or waste management plan is without effect.

Accordingly, a bylaw which prohibited P.C.B. storage in the municipality would be without effect as against a permit allowing such storage issued under the B.C. Waste Management Act.

However, Section 20(4) of the Waste Management Act would appear to allow a municipality to impose some restrictions or conditions on P.C.B. storage, in addition to those imposed pursuant to the Waste Management Act.

In addition to the normal requirements for any special waste facilities, additional requirements applicable only for the short term storage of P.C.B. wastes are outlined. Specifically, construction materials for storage containers, method of storage, up-to-date waste inventory, up-to-date site mapping, an approved fire protection plan, specific labelings, structural finishes, containment capacity and method, and security measures are specifically prescribed in Section 17(1) of the Waste Management Act. These added requirements would adequately safeguard the health of the general public.

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Given the detail of regulation of P.C.B. storage under the Special Waste Regulation, the question arises as to what need the municipality would have to impose further requirements.

3.0 PROVINCIAL GOVERNMENT'S TIMEFRAME FOR DEVELOPING AN APPROVED DISPOSAL FACILITY IN B.C.

According to the BCMOELP, no specific timeframe has been set for developing an approved disposal facility for P.C.B. wastes in B.C. However, negotiations are currently underway between provincial governments on the possibility of shipping P.C.B. wastes outside of B.C. for treatment and disposal.

The Ministry originally intended to release the discussion paper outlining options that the Provincial Government is considering for the reduction and management of P.C.B.s in 1993 September. However, the discussion paper is now expected to be ready for review in 1994 January.

In addition, the B.C. Waste Reduction Commissioner is now awaiting the outcome of the interprovincial negotiations on cross border management of P.C.B. containing wastes before finalizing her recommendations and strategies on the management of P.C.B. wastes in B.C.

4.0 SHORT TERM STORAGE OF P.C.B. WASTE AND ALTERNATE OPTIONS

At this time, all sites storing decommissioned P.C.B. containing waste in Burnaby are permitted by BCMOELP to store these wastes on a short term basis only. In the absence of an approved facility in B.C. to treat and dispose of P.C.B. wastes, there are no other viable options to manage these wastes other than storage.

As an interim measure, B.C. Hydro has recently implemented a program to assist hospitals and schools in storing their decommissioned P.C.B. containing wastes on a short term basis.

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In addition, the Alberta Special Waste Treatment Centre at Swan Hills which operates the only stationary incinerator approved for P.C.B. destruction in Canada is expanding. It recently announced the acceptance of a total of 8,400 tonnes of P.C.B. and P.C.P. related wastes from outside Alberta for a trial test burn and immediately received requests for disposal of wastes exceeding 36,000 tonnes. It is presently anticipated that the Province of Alberta, subsequent to reviewing the trial burn results, will hold public hearings in 1994 May before making a decision on whether or not to accept P.C.B. wastes from other neighbouring Provinces.

5.0 CONCLUSION

The B.C. Waste Management Act, Special Waste Regulation authorizes the BCMOELP to regulate the short term storage of decommissioned P.C.B. containing wastes.

Sections 692 and 20(4) of the Municipal Act would empower Council to regulate and impose additional restrictions on P.C.B. storage. However, in light of the stringent requirements already imposed on P.C.B. storage under the Special Waste Regulation, the question arises as to what further restrictions could be added.

The BCMOELP currently has no set timeframe for developing an approved disposal facility for P.C.B. wastes in B.C. However, interprovincial negotiations are presently underway to explore the possibility of cross border treatment and disposal. The B.C. Waste Reduction Commissioner is also awaiting the outcome of the negotiations before finalizing her report on the management of P.C.B. wastes in B.C.

The Province of Alberta will soon be making a decision on whether or not to accept P.C.B. wastes from neighbouring Provinces for treatment and disposal at the expanded Alberta Special Waste Treatment Centre at Swan Hills.

Council will be kept apprised on future developments with respect to disposal options and the overall management of P.C.B. wastes in B.C.

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